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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,463	09/05/2003	Francis M. Sullivan	7229	8446
30780	7590	01/29/2004	EXAMINER	
LAW OFFICES OF JOHN P. MCGONAGLE 800 HINGHAM STREET - 2N ROCKLAND, MA 02370			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,463

Applicant(s)

SULLIVAN ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0104. 6) ☐ Other: _____

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Sorensen (6,291,986).

Regarding claim 1, an electrical conduit junction box guide for directing wire 116a through a junction box 150(see fig 2, column 2 lines 39-45, column 4 lines 5-10 and 45-50), said junction box having knockout openings interconnected to a plurality of hollow conduits (knockout openings for conduits, see fig 2), comprising: a hollow tube 152 removably positioned within said junction box (see fig 2), said tube having an open first end (see fig 2, on top of the box) from which cylindrical side walls extend to an open second end (see fig 2, bottom of the box), said tube having a longitudinal axis defined by said ends (see fig 2), said side walls and ends defining a hollow interior (see fig 2), said side walls having an exterior surface and an interior surface (see fig 2), said tube first end being inserted through a junction box knockout opening (see fig 2, knockout opening for conduit 152) into an attached conduit opening, said tube second end being inserted into another junction box knockout opening into another attached conduit opening. (See fig 2).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2-7 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sorensen (6,291,986) in view of Robert Snyder (3,573,344).

Sorensen discloses:

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Regarding claim 2, the assembly of Sorensen shows all of the claimed features as shown above, but fails to disclose two cylindrical rings attached about the tube side wall exterior surface, each ring being positioned near to a tube end, said tube having a portion between a ring and an end, said rings having diameters exceeding a diameter of the attached conduit opening. Robert Snyder teaches the use of two cylindrical rings 22 attached about the tube 40 side wall exterior surface (see fig 1), each ring being positioned near to a tube end (see fig 1), said tube having a portion between a ring and an end, said rings having diameters exceeding a diameter of the attached conduit opening (see fig 1) in order to provide continuous run of conduits to allow for expansion of building (see column 1 lines 19-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Sorensen with two cylindrical rings being attached about the tube side wall exterior surface, each ring being positioned near to a tube end, said tube having a portion between a ring and an end, said rings having diameters exceeding a diameter of the attached conduit opening as taught by Robert Snyder in order to provide continuous run of conduits to allow for expansion of building.

Regarding claim 3, the modified assembly of Sorensen shows all of the claimed features as shown above, including said attached rings are formed in said side wall exterior surface (see fig 1 of Robert Snyder).

Regarding claim 4, the modified assembly of Sorensen shows all of the claimed features as shown above, but fails to disclose said tube has a plurality of scored, break-away lines formed longitudinally along a tube length, said lines being formed through the rings. it would

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have been an obvious matter of design choice to use said tube has a plurality of scored, break-away lines formed longitudinally along a tube length, said lines being formed through the rings , since applicant has not disclosed that said tube has a plurality of scored, break-away lines formed longitudinally along a tube length, said lines being formed through the rings solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said tube of Sorensen.

Regarding claim 5, the modified assembly of Sorensen shows all of the claimed features as shown above, with respect to the guide is made from a nonconductive material (see column 5 lines 5-15 of Sorensen).

Regarding claim 6, the modified assembly of Sorensen shows all of the claimed features as shown above, but fails to disclose said portions between a ring and an end are radially tapered to a diameter less than a diameter of a longitudinal body portion between the rings . it would have been an obvious matter of design choice to use said portions between a ring and an end are radially tapered to a diameter less than a diameter of a longitudinal body portion between the rings, since applicant has not disclosed that said portions between a ring and an end are radially tapered to a diameter less than a diameter of a longitudinal body portion between the rings solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said portions of Sorensen.

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Regarding claim 7, the modified assembly of Sorensen shows all of the claimed features as shown above, but fails to disclose said portions between a ring and an end are radially tapered to a diameter less than the diameter of the attached conduit opening. It would have been an obvious matter of design choice to use said portions between a ring and an end are radially tapered to a diameter less than a diameter of the attached conduit opening, since applicant has not disclosed that said portions between a ring and an end are radially tapered to a diameter less than a diameter of the attached conduit opening solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said portions of Sorensen.

Other prior art cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bowman et al disclose a box similar to applicant's claimed invention.

Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhuru Patel whose telephone number is (703) 308 -3748. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Dhiru Patel
Patent Examiner
Group Art Unit 2831
January 21, 2004

Dhiru R Patel
Primary Examiner
1/21/04.